THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8943 OF 2007

Dt: 26.04.2007

Between:

E.Padmavathi.

… Petitioner

and

The Sub-Registrar and another

… Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.8943 of 2007

ORDER:

The petitioner states that her husband late Erni Narsinga Rao was an Ex-serviceman, and in that capacity, he was assigned an extent of Acs.4.80 cents of land in survey No.268/2 of Tadi Village, Parvada Mandal, on 15.01.1993. It is the case of the petitioner that the Government issued G.O.Ms.No.1117, dated 11.11.1993, observing that the

Ex-servicemen are permitted to sell the land after expiry of ten years from the date of assignment.

The petitioner states that she is in dire need of money to repay the loan, to meet the day-to-day expenditure and to feed her children, and for that purpose, she intended to sell the land. She states that the Sub-Registrar, Sabbovaram, the first respondent, is insisting on obtaining permission from the Mandal Revenue Officer for sale of the land.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

From a perusal of the orders in G.O.Ms.No.1117, dated 11.11.1993, it is evident that the Government had permitted the sale of lands assigned to the Ex-servicemen, after expiry of ten years from the date of assignment. Neither the G.O., nor any law provides for grant of permission by the Mandal Revenue Officer in such cases. Once it emerges that the land proposed to be sold by the petitioner was assigned to her husband and ten years period had expired from the date of assignment, the first respondent cannot have any plausible objection for registering the document. Further, the first respondent is not vested with the power to decide the title or to refuse registration,

except where any lands are notified under Section 22-A of the Registration Act.

For the foregoing reasons, the writ petition is disposed of, directing that in case the petitioner sells the land in survey No.268/2 of Tadi Village and presents the document for registration, the first respondent shall not insist on permission by any revenue authority for sale of the land. There shall be no order as to costs.

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L.NARASIMHA REDDY, J.

Dt.26.04.2007

GJ